

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

Case No. _____

WILLIAM E. YOUNG, JR.,

Plaintiff,

v.

MEDICREDIT, INC.,

Defendant.

NOTICE OF REMOVAL

Defendant Medicredit, Inc., (“Defendant”) hereby removes the action commenced by Plaintiff William E. Young, Jr. (“Plaintiff”), from the General Court of Justice, Superior Court Division, Iredell County, North Carolina, to the United States District Court for the Western District of North Carolina, Statesville Division. In support thereof, Defendant states as follows:

REMOVAL IS TIMELY

1. Plaintiff filed a civil action on August 28, 2014, that is now pending in the General Court of Justice, Superior Court Division of Iredell County, North Carolina, with File No. 14 CVS 1838. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders from the state court file served upon Defendant are attached hereto as Exhibit 1.

2. This Notice of Removal is being filed within thirty (30) days of Defendant’s receipt of the Complaint on September 2, 2014, as required by 28 U.S.C. § 1446(b). Defendant hereby reserves any and all rights to assert the insufficiency of process or insufficiency of service of process as defenses to Plaintiff’s Complaint.

FEDERAL QUESTION JURISDICTION EXISTS

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1441 in that plaintiff's complaint seeks relief under federal statutes, namely 15 U.S.C. § 1692 et seq. and 47 U.S.C. § 227 et seq.

REMOVAL IS PROPER

4. Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, removal of the above-captioned state court action is appropriate.

5. Written notice of the filing of the Notice of Removal is being served upon Plaintiff, and a copy of this Notice of Removal will be filed with the Iredell County Clerk of Superior Court as provided by 28 U.S.C. § 1446(d). A copy of the notice of filing is attached as Exhibit 2.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) in that this district and division embrace the place where the action is pending.

7. Defendant reserves the right to amend or supplement this Notice of Removal.

8. Defendant reserves all defenses, and the filing of this Notice of Removal is without waiver of any defense.

WHEREFORE, Defendant Mediacredit, Inc., prays further proceedings in the Superior Court of Iredell County, North Carolina, be discontinued and that this action be removed to the United States District Court for the Western District of North Carolina.

Respectfully submitted, this the 2nd day of October, 2014.

s/ B. Tyler Brooks
Frank J. Gordon, NC Bar Number: 15871
B. Tyler Brooks, NC Bar Number: 37604
Attorneys for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2014, I electronically filed the forgoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system, and I hereby certify that I have sent the document to the following via U.S. Mail:

Travis E. Collum
Collum & Perry, PLLC
P.O. Box 1739
Mooresville, NC 28115

Attorneys for Plaintiff

This the 2nd day of October, 2014.

s/ B. Tyler Brooks
Frank J. Gordon, NC Bar Number: 15871
B. Tyler Brooks, NC Bar Number: 37604
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